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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Douglas Mark Kennedy

Serial No.: 10/650,394

Examiner: Shashi Kamala Becker

Filing Date: August 28, 2003

Group Art Unit: 2179

Title: ISSUE TRACKING SYSTEMS AND METHODS

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on July 28, 2008

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) **\$510.00**.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(5)) for the total number of months checked below:

<input type="checkbox"/>	one month	\$ 120.00
<input type="checkbox"/>	two months	\$ 460.00
<input type="checkbox"/>	three months	\$1050.00
<input type="checkbox"/>	four months	\$1640.00

☐ The extension fee has already been filled in this application.

☒ (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **50-1078** the sum of \$510.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-1078** pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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☐ I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile:

Typed Name: Gregory W. Osterloth

Signature: /Gregory W. Osterloth/

Respectfully submitted,

Douglas Mark Kennedy

By /Gregory W. Osterloth/

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 10/650,394
Appellant : Douglas Mark Kennedy
Filed : August 28, 2003
TC/A.U. : 2179
Examiner : Shashi Kamala Becker
Docket No. : 10021161-01

Confirmation No. 6752

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

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Commissioner for Patents
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APPEAL BRIEF

Dear Sir:

This Appeal Brief is submitted in response to the Examiner's Final Office Action mailed May 28, 2008.

Appellants filed a Notice of Appeal on July 28, 2008.

10/03/2008 RMEBRAHT 00000059 501078 10650394

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Real Party in Interest

The real party in interest is Agilent Technologies, Inc., assignee of the above captioned patent application. Agilent Technologies, Inc. is a Delaware Corporation having its principal place of business in Santa Clara, California.

Serial No. 10/650,394
Atty. Dckt. No. 10021161-01

Related Appeals and Interferences

There are no related appeals and/or interferences.

Status of Claims

Claims 1-33 are pending, all of which stand rejected. The rejections of claims 1-33 are appealed.

A copy of the claims is attached as a Claims Appendix to this Appeal Brief.

Status of Amendments

No amendments were made to the claims subsequent to final rejection. All amendments have been entered.

Summary of Claimed Subject Matter

In a first embodiment (claim 1), a method for tracking issues, comprises: providing a log-in page (FIG. 2, 200) to log-in a user (p. 9, lines 21-27); receiving user information from the user in the log-in page (p. 9, lines 27-29); providing one of a plurality of interface pages (FIGS. 3A & 5-20) to process an issue (p. 10, line 24 - p. 11, line 8), wherein the interface page has a configuration corresponding to a predetermined access level of the user (p. 9, lines 18-24; p. 10, lines 4-23; p. 11, line 9 - p. 12, line 29); providing an issue record (p. 18, line 3, et seq.); and providing an embedded uniform resource locator of the issue record (p. 4, lines 17-24; p. 26, lines 8-18).

In a second embodiment (claim 15), a system (p. 6, line 15 - p. 8, line 4) for tracking issues comprises a processor (FIG. 1B, 160) configured to provide a log-in page (FIG. 2, 200) to log-in a user (p. 9, lines 21-27), said processor configured to receive user information from the user in the log-in page (p. 9, lines 27-29), said processor configured to provide one of a plurality of interface pages (FIGS. 3A & 5-20) to process an issue (p. 10, line 24 - p. 11, line 8), said interface page has a configuration corresponding to a predetermined access level of the user (p. 9, lines 18-24; p. 10, lines 4-23; p. 11, line 9 - p. 12, line 29), said processor configured to process an issue, said processor configured to provide an issue record (p. 18, line 3, et seq.), said processor configured to provide an embedded uniform resource locator of the issue record (p. 4, lines 17-24; p. 26, lines 8-18).

In a third embodiment (claim 31), a system for tracking issues, comprises: means (p. 6, line 15 - p. 8, line 4; FIG. 1B, 160) for providing a log-in page (FIG. 2, 200) to log-in a user (p. 9, lines 21-27); means (p. 6, line 15 - p. 8, line 4; FIG. 1B, 160) for receiving user information from the user in the log-in page (p. 9, lines 27-29); means (p. 6, line 15 - p. 8, line 4; FIG. 1B, 160) for providing one of a plurality of interface pages (FIGS. 3A & 5-20) to process an issue (p. 10, line 24 - p. 11, line 8), said interface page has a configuration corresponding to a predetermined access level of the user (p. 9, lines 18-

24; p. 10, lines 4-23; p. 11, line 9 - p. 12, line 29); means (p. 6, line 15 - p. 8, line 4; FIG. 1B, 160) for providing an issue record (p. 18, line 3, et seq.); and means (p. 6, line 15 - p. 8, line 4; FIG. 1B, 160) for providing an embedded uniform resource locator of the issue record (p. 4, lines 17-24; p. 26, lines 8-18).

Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 1, 3-10, 12-15, 17-24 and 26-33 should be rejected under 35 USC 103(a) as being unpatentable over Tran (US 2004/0054688).
2. Whether claims 2, 11, 16 and 25 should be rejected under 35 USC 103(a) as being unpatentable over Tran (US 2004/0054688) in view of Pulley et al. (US 2002/0087679).

Argument

1. Claims 1, 3-10, 12-15, 17-24 and 26-33 should not be rejected under 35 USC 103(a) as being unpatentable over Tran (US 2004/0054688).

One of the limitations of appellant's claim 1 is a step of, "providing one of a plurality of interface pages to process an issue, wherein the interface page has a configuration corresponding to a predetermined access level of the user" (emphasis added). The Examiner asserts that the first portion of this step (i.e., the portion prior to the comma) is taught by Tran in paragraphs [0026] and [0027], and the last portion of this step is taught by Tran in paragraph [0033]. Appellant respectfully disagrees.

Tran's paragraph [0026] discusses an exemplary implementation of the "component list" used by Tran's issue tracking system. More generally, Tran's paragraph [0025] states that:

. . . A component defines a category of issues to be handled by the issue tracking system. A component list contains a list of components and contact information of at least one responsible entity. The responsible entity is a person (or a group of persons) who is responsible to solve or fix the problem reported.

In paragraph [0027], Tran indicates that three types of entities may access an issue tracking system 10. The three types of entities are: 1) **user/customers 14** (i.e., those that report issues), 2) **responsible entities 16** (i.e., those that solve or fix issues), and 3) **an authorized user 18** (typically an administrator that has privileged access to the system, see par. [0033]). Tran's paragraph [0027] also indicates the various ways that a user may report an issue, e.g., via email, telephone, etc. However, Tran's paragraph [0027] does not specifically disclose an interface page to process an issue.

Moving to Tran's paragraph [0028], it is noted that Tran does disclose an "issue report screen" (see FIG. 4) that is displayable via a GUI to a user/customer 14. Given that the Examiner has not specifically identified which of Tran's elements is equivalent to claim 1's

“interface page to process an issue”, appellant identifies Tran’s issue report screen as the element that is most similar to claim 1’s “interface page to process an issue”.

Appellant turns now to Tran’s paragraph [0033], which the Examiner relies on for disclosing claim 1’s “interface page [that] has a configuration corresponding to a predetermined access level of the user”. Tran’s paragraph [0033] states, in part:

Referring back to FIG. 2, the authorized user 18 is typically an administrator of the tracking system 10, and has a privileged access to the system 10. The authorized user 18 is not only permitted to download the component list from the database, but also modify the component list and upload the modified component list back to the database. Such a privileged access may require a specific authorization such as a password... .

When interpreting the above paragraph, one must keep in mind the three types of entities that can access Tran’s issue tracing system 10. What Tran teaches or suggests in the above paragraph is that ***an authorized user 18*** (and not a user/customer 14) can modify the component list 12 because of the authorized user’s privileged access to the system 10. However, Tran *does not indicate* that the authorized user 18 receives or views the component list via “one of a plurality of interface pages to process an issue”. In fact, Tran says absolutely nothing about how or whether the authorized user 18 views the component list. And, even if one speculates that Tran’s authorized user 18 uses some sort of interface to edit the component list 12, this interface would not be an “interface page to process an issue”. Instead, it would be an “interface to modify a component list”. A *component list*, which indicates which types of issues are handled by which responsible parties, is not an *issue*. Thus, an interface to modify a *component list* is not an interface page to process an *issue*.

Tran’s above excerpt also fails to teach or suggest the tying of 1) the configuration of an interface page *to process an issue*, with 2) a predetermined access level of a user. Tran only ties “privileged access” to the right *to modify a component list*.

The Examiner notes that, in paragraph [0034], Tran mentions that ***user/customers 14***

need to log-off from the issue tracking system under certain circumstances, and because of this, the user/customer must certainly be provided an interface page that “has a configuration corresponding to a predetermined access level of the user”. Applicant disagrees. Tran provides absolutely no details on what log-in or log-off entails. Furthermore, even if users are required to log-in, Tran does not teach or suggest that users are associated with predetermined access levels, or that a user is provided an interface page corresponding to the user’s predetermined access level. That is, as far as applicant can determine, Tran’s system provides the same interface pages to ***all user/customers 14***, without tailoring the configuration of any interface page to any sort of *predetermined access level*. Although Tran mentions that the privileged access of ***an authorized user 18*** may allow the authorized user to update a component list, there is no indication by Tran that the privileged access of the authorized user results in an interface page (and certainly an interface page *to process an issue*) being configured to correspond to the authorized user’s privileged access. Similarly, Tran does not indicate that ***user/customers 14*** have different levels of privileged access, such that a user may be provided an interface page “corresponding to the predetermined access level of the user”.

Another one of the limitations of applicant’s claim 1 is a step of, “providing an embedded uniform resource locator ***of the issue record***” (emphasis added). The Examiner asserts that this step is taught by Tran in paragraphs [0026] and [0027]. More specifically, the Examiner asserts that Tran discloses “providing an embedded URL of an issue record” because 1) the email that a user generates to report an issue contains an embedded URL; 2) the email that the issue tracking system 10 sends to notify a user/customer that an issue is being processed contains an embedded URL; and 3) the component list 12 contains contact information such as email addresses for responsible parties. Applicant respectfully disagrees.

To begin, applicant notes that Tran does not once mention a URL or an “embedded URL”. And, although an email may reference a URL of the email sender (or email host), sending an email to a responsible entity when an issue or problem is reported (opened)

(Tran, par. [0026]) is not equivalent to “providing an embedded URL ***of [an] issue record***”.

Although the Examiner speculates that an email alerting a responsible entity of an issue may comprise an embedded URL of an issue record, applicant disagrees. Note, for example, paragraphs [0031]-[0032] of Tran’s teachings, which state:

[0031] . . . The tracking system 10 may also notify the responsible entity 16 when an issue report is received, so that the responsible entity can access the system database to retrieve the issue report and perform necessary action.

[0032] The responsible entity 16 is a person (or a group) who solves the issue and fixes the problem. ***The responsible entity 16 typically accesses the database containing the issue reports, opens an issue to be solved, performs necessary actions, and then reports the results to the system 10.***

(Emphasis added).

Of note, Tran does not indicate that the responsible entity 16 receives an email and then clicks on or otherwise selects a URL embedded in the email to open the issue. Rather, Tran indicates that the responsible entity 16 is notified when an issue report is received, but the responsible entity then needs to access the database containing issue reports *and then open an issue to be solved*. Applicant believes this teaches or suggests to one of ordinary skill in the art that the notification received by the responsible entity 16 does not contain an “embedded URL of the issue record”.

Although Tran’s component list 12 may contain 1) emails of responsible parties, and 2) associations of emails with components (i.e., types or groups of issues), the component list 12 does not embed a URL in any particular issue record (or otherwise provide an embedded URL ***of an issue record***).

For the above reasons, applicant asserts that Tran fails to teach or suggest all of the steps of claim 1. Claim 1 is therefore believed to be allowable.

Claims 3-10 and 12-14 are believed to be allowable, at least, because they ultimately depend from claim 1.

Claims 15, 17-24 and 26-33 are believed to be allowable, at least, for reasons similar

to why claim 1 is believed to be allowable.

2. Claims 2, 11, 16 and 25 should not be rejected under 35 USC 103(a) as being unpatentable over Tran (US 2004/0054688) in view of Pulley et al. (US 2002/0087679; hereinafter "Pulley").

Claims 2, 11, 16 and 25 are believed to be allowable, at least, because 1) they ultimately depend from claim 1 or 15, 2) claims 1 and 15 are believed to be allowable for the reasons set forth in section 2 of these Remarks/Arguments, and 3) Pulley fails to teach that which is missing from Tran, as discussed in section 2 of these Remarks/Arguments.

3. Conclusion

In summary, the art of record does not teach nor suggest the subject matter of appellant's claims 1-33. These claims are therefore believed to be allowable.

Respectfully submitted,
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Claims Appendix

1. A method for tracking issues, comprising:
 - providing a log-in page to log-in a user;
 - receiving user information from the user in the log-in page;
 - providing one of a plurality of interface pages to process an issue, wherein the interface page has a configuration corresponding to a predetermined access level of the user;
 - providing an issue record; and
 - providing an embedded uniform resource locator of the issue record.
2. The method of claim 1, further comprising, responsive to receiving the user information, providing a last requested page from a prior log-in by the user.
3. The method of claim 1, wherein providing one of a plurality of interface pages to process an issue, the processing comprises at least one of viewing the issue, submitting the issue, assigning the issue, resolving the issue, closing the issue, modifying the issue, providing metrics of the issue, and assigning user responsibility for the processing of the issue.
4. The method of claim 3, wherein viewing the issue further comprises sorting the

issue by at least one of average severity, a person who submitted the issue, submission date, issue identification number, by state of the issue, and by owner of the issue.

5. The method of claim 1, wherein providing one of a plurality of interface pages to process an issue, the processing corresponds to at least one of a plurality of projects.

6. The method of claim 1, wherein providing one of a plurality of interface pages comprises providing uniform resource locators for at least one of the plurality of interface pages.

7. The method of claim 1, wherein providing one of a plurality of interface pages comprises providing uniform resource locators for pages corresponding to selectable icons disposed in the one of a plurality of interface pages.

8. The method of claim 1, wherein providing one of a plurality of interface pages comprises providing at least one of a tabulated display and a graphical display of metrics corresponding to the issue.

9. The method of claim 8, wherein the graphical display of metrics of the issue can be provided as a function of area corresponding to the issue, a version of the issue, a state of the issue, date of occurrence of the issue, method of resolution of the issue, calculated severity of the issue, project members, and project.

10. The method of claim 1, further comprising providing a printer-friendly version of the interface page.

11. The method of claim 1, farther comprising calculating and displaying percentage of open issues, percentage of closed issues, percentage of resolved issues, totals, site usage, and average open severity.

12. The method of claim 1, further comprising providing a history of the processing of the issue.

13. The method of claim 1, further comprising providing an email notification to predetermined users in response to processing the issue, wherein the email notification comprises an embedded uniform resource locator of the issue record.

14. The method of claim 1, further comprising postponing the processing of the issue, duplicating the issue record, forwarding the issue record, and deleting the issue record.

15. A system for tracking issues, comprising:

a processor configured to provide a log-in page to log-in a user, said processor configured to receive user information from the user in the log-in page, said processor configured to provide one of a plurality of interface pages to process an issue, said

interface page has a configuration corresponding to a predetermined access level of the user, said processor configured to process an issue, said processor configured to provide an issue record, said processor configured to provide an embedded uniform resource locator of the issue record.

16. The system of claim 15, wherein the processor is configured to provide the last requested page from a prior log-in by the user.

17. The system of claim 15, wherein the processor is configured to provide at least one of a view issue page, a submit issue page, an assign issue page, a resolve issue page, a close issue page, a modify issue page, a graphical display of the issue, a tabulation display of the issue, and a project page.

18. The system of claim 15, wherein the processor is configured to sort the one of the plurality of interface pages by at least one of average severity, a person who submitted the issue, submission date, issue identification number, by state of the issue, and by owner of the issue.

19. The system of claim 15, wherein the processor is configured to process issues for a plurality of projects.

20. The system of claim 15, wherein the processor is configured to provide a uniform

resource locator for at least one of the plurality of interface pages.

21. The system of claim 15, wherein the processor is configured to provide uniform resource locators for pages corresponding to selectable icons disposed in the one of a plurality of interface pages.

22. The system of claim 15, wherein the processor is configured to provide at least one of a tabulated display and a graphical display of metrics corresponding to the issue.

23. The system of claim 22, wherein the processor is configured to provide the graphical display of metrics of the issue as a function of at least one of an area corresponding to the issue, a version of the issue, a state of the issue, date of occurrence of the issue, method of resolution of the issue, calculated severity of the issue, project members, and a project.

24. The system of claim 15, wherein the processor is configured to provide a printer-friendly version of the interface page.

25. The system of claim 15, wherein the processor is configured to calculate and display percentage of open issues, percentage of closed issues, percentage of resolved issues, totals, site usage, and average open severity.

26. The system of claim 15, wherein the processor is configured to provide a history of the processing of the issue.

27. The system of claim 15, wherein the processor is configured to provide an email notification to predetermined users in response to processing the issue, wherein the email notification comprises an embedded uniform resource locator of the issue record.

28. The system of claim 15, wherein the processor is configured to at least one of postpone the processing of the issue, duplicate the issue record, forward the issue record, and delete the issue record.

29. The system of claim 15, wherein the processor is configured with software in memory.

30. The system of claim 15, wherein the processor is configured with hardware.

31. A system for tracking issues, comprising:

means for providing a log-in page to log-in a user;

means for receiving user information from the user in the log-in page;

means for providing one of a plurality of interface pages to process an issue, said interface page has a configuration corresponding to a predetermined access level of the user;

means for providing an issue record; and

means for providing an embedded uniform resource locator of the issue record.

32. The system of claim 31, wherein the means for providing a log-in page, means for receiving user information, means for providing one of a plurality of interface pages to process an issue, means for providing an issue record, and means for providing an embedded uniform resource locator of the issue record is implemented with a processor configured with software.

33. The system of claim 31, wherein the means for providing a log-in page, means for receiving user information, means for providing one of a plurality of interface pages to process an issue, means for providing an issue record, and means for providing an embedded uniform resource locator of the issue record is implemented with a processor configured with hardware.

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Evidence Appendix

None.

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Related Proceedings Appendix

None.